

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6211

BILL NUMBER: SB 79

NOTE PREPARED: Nov 19, 2002

BILL AMENDED:

SUBJECT: Hypnotist Certification.

FIRST AUTHOR: Sen. Meeks R

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: The bill provides that hypnotism may be practiced only by a person who either is exempt or has been issued a certificate. It repeals authority to issue new certificates. The bill transfers certain regulating functions to the Medical Licensing Board. It increases the penalty for the unlawful practice of hypnotism to a Class D felony. The bill refunds fees for pending applications.

Effective Date: Upon passage; July 1, 2003.

Explanation of State Expenditures: This bill repeals the Indiana Hypnotist Committee and its authority to issue new certificates to practice hypnotism. This provision should have a minimal fiscal impact on the Medical Licensing Board.

As of October 2002, there were 91 licensed hypnotists, and the Indiana Hypnotist Committee will have met three times as of November 2002. The Health Professions Bureau, which provides administrative support to health professional licensing boards and committees, does not separately identify costs for each board or committee. However, assuming that the committee meets three times a year, that all six members attend all three meetings, and that the average reimbursement for per diem and mileage totals \$100, the direct costs for the Indiana Hypnotist Committee are \$1,800 per year. All other costs associated with maintaining licensure of hypnotists would transfer to the Medical Licensing Board. Because there is a single appropriation for the Health Professions Bureau and staff is shared among the boards and committees, cost saving for elimination of this committee are expected to be minimal.

The bill provides that application fees be repaid if the individual was not issued or denied a certificate to practice as a hypnotist. At this time, it is not known how many applicants who applied were not issued or

denied a certificate.

The bill also increases the penalty for practicing hypnotism without a certificate to a Class D felony from a Class A misdemeanor. This provision could potentially increase state expenditures for any incarceration resulting from a conviction.

Explanation of State Revenues: This bill repeals the authority for charging fees except for renewal of a certificate by the Medical Licensing Board, which costs \$100. The Indiana Hypnotist Committee received \$11,705 in fee revenue in FY 2002. Hypnotist certificates increased from 54, as of June 30, 2001, to 91, as of October 21, 2002. Assuming that all 54 certificate holders paid renewal fees on June 30, 2002, the portion of fee revenue paid to the Indiana Hypnotist Committee would have been \$5,400, or almost half the total fee revenue. The Medical Licensing Board reported \$1.2 M in revenue for FY 2002, which includes the Committee's portion and which accounts for one percent of the Board's revenue.

The bill also repeals the violation of using the hypnotist title illegally and the Class B misdemeanor as its penalty. Regarding a person who practices hypnotism without a certificate, state revenues could potentially increase due to the increase in the penalty from a Class A misdemeanor to a Class D felony if additional fines are collected resulting from a conviction. However, any impact from these provisions are expected to be minimal at most.

Explanation of Local Expenditures: Both changes regarding the criminal penalties should have minimal fiscal impact on local expenditures.

Explanation of Local Revenues: Both changes regarding the criminal penalties should have minimal fiscal impact on local revenues.

State Agencies Affected: Health Professions Bureau, Department of Correction.

Local Agencies Affected: Trial courts; Local law enforcement agencies.

Information Sources: Health Professions Bureau, Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: Valerie Ruda, 317-232-9867